

ORDINANCE 08-42

WHEREAS, The City of Westfield, (“City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and City Council (“Council”); and,

WHEREAS, it is the responsibility of the City government to investigate and initiate those measures that are beneficial to the citizens of the City, and

WHEREAS, the Council is aware that garbage and rubbish removal is currently being conducted by individual contracts between citizens and the various service providers within the City; and,

WHEREAS, the Council is aware that the ability of the City to negotiate universal garbage and rubbish removal on a City wide basis would provide for better rates as well as reduce the number of days for its removal.

NOW, THEREFORE, BE IT ORDAINED by the Westfield City Council meeting in session as follows:

Section 1. That the Westfield Public Works Department of the City of Westfield, Indiana be and it is hereby authorized and empowered to collect and dispose of all garbage and rubbish within said city.

Section 2. Garbage, within the meaning of this ordinance, shall be construed to mean rejected food wastes, and to include every waste accumulation of animal, fruit or vegetable matter, used or intended for food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

Rubbish within the meaning of this ordinance, shall be construed to mean such matter as ashes, cans, metalware, broken glass, crockery, dirt, sweepings, boxes, wood, grass, weeds, or litter in any kind.

Section 3. Said Department is hereby authorized, subject to the approval of the Westfield Board of Public Works to prescribe and promulgate regulations providing methods to be used, in the storage, collection and disposal of all garbage and rubbish.

Section 4. Said Department is hereby authorized and empowered to appoint a superintendent of garbage and rubbish collection and disposal to supervise said

collection and disposal. In the absence of such appointment, the _____ shall serve as superintendent of garbage and rubbish collection, and shall be responsible for the administration of the regulations set up by Said Department governing the collection and/or disposition of such garbage and rubbish. Said Department is further authorized and empowered to employ all necessary labor and to procure all necessary vehicles and equipment to properly administer the provisions of this ordinance.

Section 5. In its discretion said Department or the Westfield Board of Public Works may ask for and accept bids from a private contractor for the handling of the service described in this ordinance, such bids to be entered into, said contractor shall be subject to the regulations of said Department as to the manner and method of collection and disposal of garbage and rubbish, and any other unlicensed private person, firm, or corporation engaged in the business of rubbish collection shall be subject to the regulations of said Department.

Section 6. Any person, firm or corporation violating any of the provisions of this ordinance or refusing to comply with any of the provisions therein contained, shall upon conviction be fined in any sum of not more than \$_____ and each day's continuance of such violation or failure shall be deemed a separate and distinct offense.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 8. This ordinance shall be in full force and effect from and after its passage, and approval by the City Council and publication as by law required.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ALL OF WHICH IS ORDAINED THIS _____ DAY OF _____ 2008.

WESTFIELD CITY COUNCIL

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
_____ John Dippel	_____ John Dippel	_____ John Dippel
_____ Bob Horkay	_____ Bob Horkay	_____ Bob Horkay
_____ Ken Kingshill	_____ Ken Kingshill	_____ Ken Kingshill
_____ Bob Smith	_____ Bob Smith	_____ Bob Smith
_____ Thomas Smith	_____ Thomas Smith	_____ Thomas Smith
_____ Rob Stokes	_____ Rob Stokes	_____ Rob Stokes
_____ Melody Sweat	_____ Melody Sweat	_____ Melody Sweat

ATTEST:

Cindy Gossard, Clerk Treasurer

This document prepared by
Brian J. Zaiger, Esq.
KRIEG DEVAULT, LLP.

Ordinance 08-42
Garbage and rubbish service

City of Westfield

Solid Waste Department Rates and Charges Service Area – City Limits of Westfield

Section A. Constant Charges.

Section A.1 Collection Fee Amount To Be Determined by Public Bid

Section A.2 Disposal Fee Amount To Be Determined by Public Bid

Section B. Other Charges. In addition to the fees set forth above, all customers located within the corporation limits of the City shall be billed the following charges when deemed appropriate.

Section B.1 Account set-up fee. All customers shall be subject to an account set up fee in the amount out \$25.00. This fee will be waived for all customers prior to January 2, 2009.

Section B.2 Bad check or insufficient funds charge. All customers shall be subject to a bad check charge or insufficient charge in the amount of \$20.00.

Section B.3 Administrative Account Change Fee. All customers shall be subject to an administrative account change when the customer requests changes to be made to their account (for example, name change, billing address change, etc.) in the amount of \$15.00. (This fee is in lieu of the account set-up fee.)

Section B.4 Administrative Fee. All customers shall be subject to an administrative fee to recoup administrative costs associated with management and billing in the amount of \$1.00 per month.

Section B.5 Prepaid Service. All customers must pay for service one month in advance.

Section B.6 Delinquency Fees. Fees will be set as follows and can be modified at any time to comply with state and federal law.

1st missed payment - \$10

2nd consecutive missed payment - \$25

3rd consecutive missed payment - \$25